

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 21 CR 105-1  
)  
Plaintiff,) )  
)  
vs. )  
)  
DENZAL STEWART, ) Chicago, Illinois  
) August 9, 2021  
Defendant.) 10:31 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - VIDEOCONFERENCE MOTION  
BEFORE THE HONORABLE JOHN Z. LEE

VIDEOCONFERENCE APPEARANCES:

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United States Attorney  
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PROCEEDINGS RECORDED BY  
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1 (Proceedings had via videoconference:)

2 THE CLERK: 21 CR 105, United States of America vs.  
3 Denzal Stewart.

4 THE COURT: Who is appearing on behalf of the  
5 government?

6 MR. BERRY: Good morning, your Honor, Albert Berry --  
7 B, as in boy, e-r-r-y -- for the United States.

8 THE COURT: And who is appearing on behalf of  
9 defendant?

10 MR. HUNTER: Good morning, Judge, Steven Hunter on  
11 behalf of Denzal Stewart.

12 THE COURT: And, Mr. Stewart, can you see and hear me  
13 okay?

14 THE DEFENDANT: I can see and hear you, sir.

15 THE COURT: All right.

16 So, before we begin, Mr. Stewart, I want to make sure  
17 you understand that you do have the right to have this hearing  
18 conducted in person. But I understand that because of the  
19 COVID restrictions, after speaking with your attorney, you are  
20 agreeing to have this hearing done via videoconference.

21 Is that correct, sir?

22 THE DEFENDANT: Yes, because (unintelligible) the  
23 current situation, once you leave, they would put us back in  
24 quarantine.

25 THE COURT REPORTER: I'm sorry, Mr. Stewart, you need

1 to repeat that. I couldn't understand.

2 THE DEFENDANT: Okay. I'm saying, yes, that I'll  
3 agree to it with respect to this current situation  
4 (unintelligible) --

5 THE COURT REPORTER: I'm only getting about half of  
6 that. I'm only getting about half of that. There's an echo.

7 THE COURT: Here, let me try this: Mr. Stewart, what  
8 I understand you saying is that because of the current  
9 situation at the MCC, if you do appear in person, they'll put  
10 you in quarantine for 14 days; and, so, it's because of that  
11 that you're agreeing to have this hearing via videoconference.  
12 Is that correct?

13 THE DEFENDANT: Yes. Yes.

14 THE COURT: All right. Very good.

15 So, this is Mr. Stewart's motion for pretrial release  
16 after the magistrate judge, Judge Weisman, declined to provide  
17 pretrial release and to order that Mr. Stewart be detained.

18 I have reviewed the submissions of the parties, and  
19 I'd like to go ahead and hear from the attorneys this morning.

20 So, can I hear from defense, please?

21 MR. HUNTER: Yes, Judge.

22 And, Judge, at the outset, I've got, I believe,  
23 phoned in a woman named Lisa Cunningham, who I inadvertently  
24 referred to in my motion as Henrietta Zeigler. But she is the  
25 woman who is pregnant and is my client's fiancée. And if you

1 want to hear from her, she's prepared to give testimony with  
2 regard to her suitability as a third-party custodian.

3 But if you want me to go forward now, I could do that  
4 right now.

5 THE COURT: Why don't you go ahead and go forward.

6 MR. HUNTER: Okay.

7 Well, Judge, as I stated in my motion, my client  
8 should be released because he's not a danger to the community  
9 and he's not a flight risk. The government, perhaps  
10 accidentally, exaggerates his criminal history. For example,  
11 they say in their reply that he has five felonies, but as I  
12 state in my motion, he has four. I go over those felonies in  
13 my motion, and as you can see, they're property crimes. They  
14 are not crimes of violence.

15 His background consists of possession of a stolen  
16 motor vehicle. There was one resisting arrest. But resisting  
17 arrest covers a wide range of activity. Things as simple as  
18 tugging your arm away when you're trying to be handcuffed  
19 under Illinois law can be resisting arrest. So, there's no  
20 basis to think that anything in his criminal history is a  
21 crime of violence.

22 In addition, the facts in this case, which the state  
23 -- or the government tries to talk about at length, don't  
24 support a finding of dangerousness. This is a property crime.  
25 A van was lit on fire, which is regrettable, but no one was

1 hurt. No one was killed. No one came close to being hurt.  
2 Yes, firemen had to put out the fire and there were people in  
3 the vicinity. That still doesn't make this a crime of  
4 violence, and it's not.

5 With respect to my client being a flight risk, again,  
6 the government in their pleadings exaggerates his situation,  
7 perhaps inadvertently. They keep saying he's on parole -- he  
8 was on parole at the time. He was not on parole at this time.  
9 And the case I cite in my motion -- excuse me -- yeah, in my  
10 motion, I cite the appellate case. And I've spoken to the  
11 appellate lawyer and the record is clear. He was on an appeal  
12 bond. During the appeal bond, my client received zero  
13 services or supervision. He wasn't given any access to his  
14 mental -- his medication for his mental health situation.

15 Now, I think that that contributed to this situation  
16 greatly. And I believe that the Court has the authority and  
17 the federal criminal justice system has much better resources  
18 to put in place that could ensure you that he won't miss court  
19 and that he's not going to be a danger to the public.

20 The electronic monitoring GPS program in the federal  
21 government is more than ample to pinpoint his location at all  
22 times. You could put him on 24-hour lockdown. As I  
23 mentioned, Ms. Cunningham is here, available to be a  
24 third-party custodian. She's got no criminal history. We've  
25 got other people, if you find Ms. Cunningham unacceptable, who

1 could be third-party custodians. We've got several locations  
2 lined up for people willing to accept him, if you're so  
3 inclined.

4 I think that if he's on pretrial release, that we can  
5 count on Pretrial Services to give him access to the mental  
6 health treatment that he needs but that he hasn't gotten.

7 Additionally, Judge, as I mentioned in my reply to  
8 the government's brief, there's a situation -- there's another  
9 case, the case of Jacob Fagundo, that undermines the  
10 government's whole argument that he's some great big threat  
11 because Mr. Fagundo did things that were worse than my client  
12 is alleged to have committed. He put a firecracker inside of  
13 a police vehicle. Now, he got a lesser offense, and he got  
14 probation. I understand the government wanted some small  
15 amount of jail time. But to treat two people so similarly  
16 situated so differently, I think, undermines the argument that  
17 they really perceive him to be danger.

18 If Jacob Fagundo got a charge of civil unrest,  
19 whereas my client is charged with arson and a five -year  
20 mandatory minimum, there's something really wrong here. And I  
21 think that what would be compounding this injustice is to hold  
22 him indefinitely in custody while we try to work our way  
23 through COVID-19 criminal court.

24 My client has told me within the last few days that  
25 there's a lockdown at the MCC because of another COVID

1 outbreak.

2           Now, another factual dispute that I've got with the  
3 government is, I put in my motion, that he has a serious case  
4 of asthma. Mr. Berry points to medical records that say he  
5 hasn't used an inhaler. Well, that doesn't prove anything.  
6 My client has been to the hospital for his asthma. And I  
7 believe that he's in serious risk, especially with the Delta  
8 variant outbreak even with vaccinated people, of becoming sick  
9 and possibly dying from COVID because the MCC conditions are  
10 such that you just can't social distance.

11           In addition, MCC conditions are such that he's on  
12 lockdown most of the time. He can't exercise. There are no  
13 programs. We are all better off if Pretrial Services can  
14 monitor him more closely than I think he is being monitored in  
15 the MCC. The MCC is just making sure he doesn't escape.  
16 Beyond that there's not a whole lot being done for him. I  
17 submit, Judge, that Pretrial Services could do much more, and  
18 that would make my client's mental health condition improve.  
19 It would ensure the safety of the public. And it would -- and  
20 it's not a danger to the community.

21           So, I would ask you to consider granting my request;  
22 put my client on EM and GPS; have a third-party custodian;  
23 keep him tied to a single residence. If he left for any  
24 reason, the authorities would know about it immediately and  
25 could arrest him and put him back in the MCC. But I don't

1 think that's going to happen. If you give him this chance, I  
2 believe that he will stay at home with his pregnant girlfriend  
3 and behave the way we would all want him to behave.

4 Thank you, Judge.

5 THE COURT: All right. Thank you.

6 Mr. Berry?

7 MR. BERRY: Thank you, your Honor.

8 Arson is a crime of violence. It's defined as such.  
9 Congress has found it such. And that's what it is. It's a  
10 crime of violence.

11 I think there's a misunderstanding between Mr. Hunter  
12 and I. I've never said that his previous convictions were  
13 crimes of violence. And that's not what the statute says.  
14 The statute says that he's a danger to the community. And  
15 there are many crimes that are not crimes of violence that can  
16 make a person a danger to the community.

17 A person who possess a firearm, it's not a crime of  
18 violence, but that person is a danger to the community.

19 A person who breaks into people's homes where they  
20 live, residential burglary, is defined as not a crime  
21 violence. However, that makes a person a danger to the  
22 community.

23 A person who resists police officers and escapes  
24 electronic monitoring is a danger to the community and also a  
25 risk of flight.



1           So, that's where I think we disagree on that. I've  
2 never said that those were crimes of violence, and they're  
3 not.

4           The Judge disappeared.

5           (Brief pause.)

6           MR. BERRY: I've never said that those were crimes of  
7 violence, and they're not. But it does make him a danger to  
8 the community and a risk of flight.

9           The defendant was on bond. He was on release when he  
10 committed these offenses. He's had a terrible history of  
11 appearing in court. He's had a terrible history of  
12 residing -- excuse me, of actually complying with conditions  
13 of release, to the point where he was terminated  
14 unsatisfactorily and placed into IDOC custody.

15           Now, when we talk about the history and  
16 characteristics of this crime, the defendant -- and as I said  
17 in my motion -- him and his co-defendant used cover of a  
18 moment in history and went out and committed crimes. They  
19 told you in the video what they were going to do. Told you  
20 they were going to do downtown and commit those -- commit  
21 crimes. And that's what they did. They went downtown and  
22 they lit an unoccupied CTA van on fire.

23           And, yes, the defendant is seen with a lighter at the  
24 back of that car. Him and his co-defendant are seen in the  
25 front cab of that van with a flash and a spark where that van

1 is lit on fire. They're seen holding the doors. Defendant is  
2 throwing cardboard boxes into that. And they did pose a  
3 danger to the community. It was an eight-minute fire. And in  
4 that eight minutes, there are instances where the fire  
5 extended up. There are instances where the fire extended out  
6 towards the building. Firefighters are fighting that fire and  
7 the fire is still raging on.

8 So, yes, that fire, though it was to an unmarked --  
9 excuse me, an unmanned CTA van is a danger to the community.

10 As to defendant's risk of flight, as I stated,  
11 defendant has not appeared in court previously. He has shown  
12 that he is not a person who can be trusted to appear.

13 Now, counsel talked about this other case of  
14 Mr. Fagundo, and I will briefly touch on that. That (audio  
15 transmission interrupted) brought by the government in each  
16 district. And as counsel knows, there are many different  
17 things that come into play when you charge an individual.  
18 What's the evidence? Can you say that that's the individual  
19 that committed the crime? There are a bunch of different  
20 things that go into play.

21 By charging Mr. Fagundo with that crime, there is in  
22 no way anyone saying that there are two different people that  
23 are in the same situation but being treated differently. The  
24 evidence is different in both of those cases. The government  
25 charges what they think is appropriate. That's the job of a

1 prosecutor. That's what a prosecutor is to do.

2 The evidence in that case was what he was charged  
3 with, and that's the reason he was charged with that.  
4 Evidence was lacking in other areas, and that's why  
5 Mr. Fagundo was charged with what he was charged with.

6 So, there's no ulterior motive or underlying issues  
7 here as to the reason why those two were charged differently.

8 Your Honor, I just would end here and I would -- we  
9 take the defendant and his co-defendant's words. And I'm not  
10 trying to ascribe anything that the co-defendant stated to  
11 Mr. Stewart. Mr. Stewart is in that video agreeing with  
12 certain comments from his co-defendant. He says he's going to  
13 go and grab me some jewelry. He puts up a facemask; says,  
14 facemask (audio transmission interrupted). He tells you that  
15 he is going downtown to do something. And the defendant --

16 THE COURT REPORTER: Mr. Berry, excuse me. This is  
17 the reporter. You're breaking up, sir. You're breaking up.

18 MR. BERRY: Okay. I'll move closer --

19 THE COURT REPORTER: If you could slow down a little  
20 and speak closer to the microphone. Thank you.

21 MR. BERRY: Sure. I will do that. No problem. I  
22 apologize.

23 Take the defendant at his word, your Honor, as to  
24 what he went down there to do. The defendant is on video  
25 setting a fire to a van. He does face a five-year mandatory

1 minimum. Nothing has changed from the time that he was  
2 ordered detained by Magistrate Weisman to now. I would submit  
3 that a third-party custodian, a person with a high-risk  
4 pregnancy is not the individual that should be supervising the  
5 defendant to make sure he abides by all the conditions of --  
6 any conditions of release that a judge would give. So, I  
7 would say that she is not a suitable third-party custodian.

8           However, it's the government's position that  
9 Mr. Stewart should still be detained. Nothing has changed  
10 since his hearing previously.

11           Thank you, your Honor.

12           THE COURT: All right. Thank you, Mr. Berry.

13           Mr. Hunter, anything? Any final words?

14           MR. HUNTER: Judge, well, I think that there are a  
15 few things that Judge Weisman was led to believe that aren't  
16 true. One is that he was on parole, which is just not true.  
17 He's not on parole. He wasn't on parole at the time.

18           With respect to the third-party custodian, we have  
19 multiple candidates who we would be happy to submit to  
20 Pretrial Services for evaluation of suitability. We have  
21 multiple residences. If one part of the city is deemed  
22 inappropriate, we could put him somewhere else.

23           With respect to the Fagundo situation, I know what  
24 the guy pled guilty to. It's putting a firecracker into a  
25 police car. So, if he pled guilty, presumably that means that

1 the government could prove it. But, I mean, it's just  
2 ridiculous that a white art school student gets that deal and  
3 my client is locked up indefinitely for essentially the same  
4 thing. It looks bad. Maybe there's an explanation for it,  
5 but it just -- I think it promotes disrespect for the system  
6 when two different people are treated so differently. And  
7 they shouldn't be treated so differently.

8           You know, my client -- when Mr. Berry talks about how  
9 he got probation and then he was violated -- he was 17 years  
10 old at the time and he was mentally ill. He got sentenced to  
11 boot camp at IDOC, but because of his untreated mental  
12 illness, he was denied access to the program and he had to go  
13 and serve a long sentence when he was supposed to get out in  
14 about 180 days.

15           He's been treated very harshly by the system from the  
16 time he was 17 until now, but it's really not been warranted.  
17 You can't point to a single person who he's harmed, who's been  
18 physically injured by him. He's not a danger to the  
19 community, and therefore I submit he should get out.

20           THE COURT: Mr. Hunter, what am I supposed to make of  
21 all of the violations of probation, failure to appear in  
22 court, all of the warrants that had to be issued to ensure  
23 Mr. Stewart's presence in court?

24           It just seems like he has a history of not complying  
25 with the requirements when he is provided an opportunity to be

1 on pretrial release or probation.

2 MR. HUNTER: Judge, I would submit that the person  
3 who committed those violations is not the person who is before  
4 you today. Most of those occurred when he was a teenager.  
5 And I detail in -- at great length in the motion all of his  
6 mental problems that he's never really received any adequate  
7 treatment for. So, to say that this mentally ill teenager  
8 didn't comply, as opposed to the person who is before you  
9 today who is older and, you know, certainly willing and  
10 hopeful to receive the proper medication and treatment, I  
11 don't think the two things are equivalent.

12 And I also submit, Judge, if we can get him the  
13 proper medication and treatment, then his compliance will be a  
14 hundred percent. He wasn't getting and has never had proper  
15 medication and treatment. So, the past compliance is his  
16 responsibility, I would agree; but, to a certain extent, I  
17 believe that the system contributed to his situation.

18 THE COURT: What about the fact -- the other factors  
19 I have to consider, such as the weight of the evidence against  
20 the defendant?

21 I reviewed the videos that the government submitted  
22 as part of its response, and the evidence seems pretty weighty  
23 with regard to this defendant and the case against him.

24 MR. HUNTER: Well, I would argue that you can't  
25 accept the -- you know, a interested party's representations

1 at face value. For example, I've seen the video and where  
2 Mr. Berry sees a flame, I see what I think is most likely  
3 sunlight glinting off of some, you know, shiny object. I  
4 don't think that -- other than pushing a cardboard box through  
5 a window, I don't think that there's conclusive proof that my  
6 client participated in an arson. There's some question in my  
7 mind if that's really him. I'm not sure how they're -- you  
8 know, exactly how they can establish beyond a reasonable doubt  
9 that that person is there, because the video seems to be from  
10 far away.

11 But I don't want to argue the evidence. You know,  
12 that's what the trial is for. But, you know, if we assume  
13 that they've got a strong case, that still doesn't mean he  
14 should be held in custody. Lots of people who face strong  
15 cases are released. I would submit that almost every case in  
16 federal court is a strong case for the government and if that  
17 were the litmus test, nobody would get out.

18 THE COURT: I was looking at the other video, too.  
19 Just the overall activities that Mr. Stewart engaged in and  
20 including, you know, trying to basically free one of the Divvy  
21 bikes from the stands. I mean, it seems like he and  
22 Mr. Taylor were down during the protests just to create  
23 mayhem.

24 And I wonder about the safety of the public when,  
25 number one, the counts -- the offense that's charged is a very

1 serious one with a serious mandatory minimum of five years,  
2 and then taking that into account, the actions -- at least  
3 from the video, what the government attests to be actions by  
4 Mr. Stewart and Mr. Taylor on that day when other people, you  
5 know, are there peacefully protesting or walking by.

6 MR. HUNTER: Well, Judge, I would submit that,  
7 assuming just for the sake of argument that the people in the  
8 video are my client and his cousin, if you look at all of the  
9 videos that I've got -- and I'm assuming you have -- there are  
10 people breaking into a Foot Locker. There are people doing  
11 all sorts of things. And it's a unprecedented day. It's not  
12 every day, thank goodness, that we see an eight-minute video  
13 of a police officer choking a helpless man to death.

14 And the whole Black Lives Matter movement, the whole  
15 civil unrest that went on that day I don't think is likely to  
16 be repeated. And if it's not to be repeated, then I don't  
17 think that the anger that boiled over that day, not just for  
18 the people around the van, but hundreds of people in the  
19 videos, you know.

20 I grant you that protesting -- peacefully protesting  
21 -- would have been a better way to go about it. But all of  
22 the people down there were down there as a response to the  
23 George Floyd situation. They didn't go down there a week  
24 before. They didn't go down there a week after. This was  
25 anger boiling over at the system.



1           And, so, because of that anger boiling over at the  
2 system based on unprecedented events that occurred just one  
3 day, I think you could be confident that it wouldn't happen  
4 again.

5           THE COURT: All right.

6           Mr. Berry, anything to add? Otherwise, I'm ready to  
7 rule.

8           MR. BERRY: No, your Honor.

9           THE COURT: Okay.

10           So, on March 17th, 2021, Magistrate Judge Weisman  
11 ordered that Mr. Stewart be detained pending trial.  
12 Mr. Stewart now asks this Court to review that order pursuant  
13 to 18 U.S.C. Section 3145(b). The review of this Court is de  
14 novo.

15           Given the offense that's charged, there is no  
16 statutory presumption of detention here. Accordingly, in  
17 order to establish the need for detention, the government must  
18 prove: One, by clear and convincing evidence that no  
19 condition or combination of conditions will reasonably assure  
20 the safety of the community; and/or, two, by a preponderance  
21 of the evidence, that no condition or combination of  
22 conditions will reasonably assure the appearance of Mr.  
23 Stewart in court during these proceedings.

24           In making this determination, the Court must consider  
25 and weigh the factors that are set forth in 18 U.S.C. Section

1 3142(g). Those factors include the nature and circumstances  
2 of the offense that's charged; the weight of the evidence  
3 against the accused; as well as the history and  
4 characteristics of the defendant, including the character,  
5 physical and mental condition, family ties, employment,  
6 financial resources, length of residence in the community,  
7 community ties, past conduct, history of drug and alcohol  
8 abuse, criminal history, and record for appearing in court.

9 I should also consider, whether at the time of the  
10 offense or arrest, the defendant was on probation or parole or  
11 on release pending trial, sentencing, appeal, or completion of  
12 sentence under federal, state or local law; and, finally, the  
13 nature and seriousness of danger to any person or the  
14 community if the defendant is released pending trial.

15 Here, after considering the totality of the record,  
16 the Court finds that the government has established by clear  
17 and convincing evidence that no condition or combination of  
18 conditions will reasonably assure the safety of the community  
19 upon Mr. Stewart's release.

20 Number one, Mr. Stewart is charged with a very  
21 serious crime: Arson under 18 U.S.C. 844(f)(1) and (2). And  
22 that crime has a minimum statutory term of imprisonment of  
23 five years.

24 And the government has provided a substantial amount  
25 of evidence to support that charge: The videos of the

1 defendant and defendant's cousin setting the van on fire, as  
2 well as defendants taking advantage of the public  
3 demonstrations during the Black Lives Matter protests to  
4 commit the crimes, as indicated by the various videos that  
5 were submitted by the government.

6 Mr. Stewart's criminal history also supports the  
7 government's position that he would be a threat to the  
8 community if released. He has been previously convicted of  
9 numerous felonies. And while Mr. Hunter argues that these  
10 were all non-violent property crimes, they all indicate a  
11 disregard for the community and, the residential burglary  
12 conviction in particular, of the willingness to put others at  
13 risk.

14 Furthermore, the Court cannot ignore the fact that  
15 Mr. Stewart has committed numerous violations of conditions of  
16 probation and pretrial release, necessitating the issuance of  
17 several arrest warrants. And he has been convicted of a  
18 number of crimes that he committed while he was on parole or  
19 pretrial release.

20 So, this, to the Court, demonstrates Mr. Stewart's  
21 disregard for the conditions and limitations placed upon him  
22 by other courts and indicates significant risk that defendant  
23 will disregard the conditions of pretrial release that would  
24 be imposed by this Court.

25 Now, Mr. Hunter argues that this was all in the

1 context of the understandable frustrations that were part of  
2 the demonstrations after the death of Mr. Floyd as part of the  
3 Black Lives Matter demonstration. But it's clear to me from  
4 the videos that Mr. Stewart did not go downtown in order to  
5 participate in those protests or as a form of protest. He  
6 went down simply to commit crimes. And that, to this Court,  
7 is really unacceptable.

8 Furthermore, with regard to the case of Mr. Fagundo,  
9 here, if the government proves its allegations as the videos  
10 indicate, Mr. Stewart and his cousin set fire to a van; and,  
11 that resulted in serious fire damage, as well as the need for  
12 the fire department to come and put out the fire, which was in  
13 the middle of a public street here in Chicago. So, those  
14 actions seriously put the community at risk. And I believe  
15 that the charge that the government charged in this case  
16 reflects that.

17 Furthermore, the Court finds that Mr. Stewart's  
18 history of ignoring parole and pretrial conditions also  
19 demonstrates that no condition or combination of conditions  
20 would be able to reasonably assure his future attendance in  
21 these proceedings and compliance in this case.

22 Now, I understand that Mr. Stewart has suffered from  
23 various mental conditions, but those conditions can and will  
24 be treated by the relevant personnel at the MCC during his  
25 detention.

1           Furthermore, with regard to Mr. Hunter's arguments  
2     that the conditions at the MCC are not safe because of COVID,  
3     the MCC has undertaken massive efforts to vaccinate its  
4     officers, employees, as well as current inmates. And the  
5     current statistics at this point indicate that the risk of  
6     contracting COVID as an inmate there are low compared to prior  
7     months and prior times. I understand from Mr. Hunter that  
8     Mr. Stewart has asthma, but, again, it is relevant that he has  
9     had no need to take medication for that asthma in the last  
10    year and appears that his symptoms are mild.

11           Furthermore, given Mr. Stewart's young age, I do  
12    think that the risks of him contracting COVID and being  
13    seriously ill because of contracting COVID are extremely low.

14           For all those reasons, the Court agrees with  
15    Magistrate Judge Weisman and finds that the government has  
16    satisfied its burden to prove by clear and convincing evidence  
17    that no condition or combination of conditions will reasonably  
18    assure the safety of the community. And the Court further  
19    finds the government has shown by a preponderance of the  
20    evidence that no condition or combination of conditions will  
21    reasonably assure Mr. Stewart's appearance in this case.

22           Accordingly, Mr. Stewart's motion brought by his  
23    counsel is denied.

24           Is there anything else that I need to address for the  
25    government today?

1 MR. BERRY: No, your Honor.

2 THE COURT: Mr. Hunter, anything else for Mr.  
3 Stewart?

4 MR. HUNTER: No, Judge.

5 THE COURT: All right. Thank you. We're adjourned.

6 \* \* \* \* \*

7

8 I certify that the foregoing is a correct transcript from the  
9 record of proceedings in the above-entitled matter.

10 /s/ Joseph Rickhoff  
11 Official Court Reporter

June 6, 2022

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